

Claim Amendments

1. (currently amended) A fence for tracking a sloped grade of a portion of a terrain surface for attaching to adjacent ones of the fence panel to define an elongate length of fencing along the terrain surface, comprising:

a first rail disposed parallel and spaced-apart from a second rail, said rails defining a longitudinal length of [a] the fence panel and each rail defining opposing first and second side edges, said rails disposed at an angle relative to horizontal; and

a plurality of spaced-apart pickets defining a pair of opposing outer pickets and a plurality of inner pickets, said pickets disposed substantially perpendicular to horizontal and attached to the rails with fasteners such that [,] said inner pickets [attached] attach to [the first] each respective one of the rails by fasteners on the first side edge and said outer pickets attach to said respective one of the rails by fasteners on the second side edge [and the second rails by fasteners between the respective picket and the first side edge of the first rail and between the respective picket and the second side edge of the second rail, and said outer pickets attached to the first and the second rails by fasteners between the respective outer picket and the second side edge of the first rail and between the respective picket and the first side edge of the second rail],

whereby the fence panel, being racked by moving opposing end of the panel in opposing directions transverse to the longitudinal axis of the rails, conforms [the] a slope of the rails substantially to the slope of the portion of the ground surface by changing the angle between the pickets and the rails while the pickets remain substantially perpendicular to horizontal without the first and second rails rolling away from the inner and outer pickets.

2. (original) The fence as recited in claim 1, wherein the fasteners comprise flexible mild steel welds.

3. (original) The fence as recited in claim 1, further comprising a pair of end posts attached to opposing ends of the rails, whereby adjacent fence panels connect to the end posts to define a longitudinal section of a fence.

4. (original) The fence panel as recited in claim 3, further comprising:
angle members, each having a first and a second leg, the first leg of each angle member attached to a distal end of one of the rails and the second leg defining a pair of holes;
screws extending through the holes to secure the rails to a respective one of the fence posts.

5. (original) The fence panel as recited in claim 1, wherein the fence panel is selectively racked during installation between about 0 and 20 degrees relative to the angle at which the rails are disposed when the rails and pickets are initially attached together.

6. (original) The fence panel as recited in claim 1, wherein the angle at which the rails are disposed is between about 0 degrees and 60 degrees.

7. (original) The fence panel as recited in claim 6, wherein the fence panel is selectively racked during installation between about 0 and 20 degrees relative to the angle at which the rails are disposed when the rails and pickets are initially attached together.

8. (original) The fence panel as recited in claim 1, wherein the angle at which the rails are disposed is selected from the group comprising the angles of 0 degrees, 20 degrees, 40 degrees and, 60 degrees.

9. (original) The fence panel as recited in claim 8, wherein the fence panel is selectively racked during installation between about 0 and 20 degrees relative to the angle at which the rails are disposed when the rails and pickets are initially attached together.

10. (original) The fence panel as recited in claim 1, wherein the rails are four-wall tubular members.

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(cont)

11. (original) The fence panel as recited in claim 1, further comprising angle members, each having a first and a second leg, the first leg of each angle member attached to a distal end of one of the rails and the second leg defining a pair of holes for receiving screws for attaching to a fence post.

12. (currently amended) A fence panel readily adjustable to track substantially a slope of a terrain during installation thereof, comprising:

a pair of elongate rails disposed in parallel spaced-apart relation and at an angle relative to horizontal to define a longitudinal length of a fence panel, the rails each defining opposing first and second side edges, the pair of rails comprises a first rail and a second rail;

a plurality of inner pickets and a pair of outer pickets attached to the first and the second rails by fasteners such that the [between the respective picket] inner pickets attach to [and] the first side edge of the respective [first] rail and [between the respective picket and the second side edge of the second rail];

a pair of opposing] the outer pickets [attached to the first and the second rails by fasteners between the respective outer picket and] attach to the second side edge of the respective [first] rail [and between the respective outer picket and the first side edge of the second rail],

whereby the fence panel during installation in a fence over a terrain is adjustable to [the] a slope of a portion of the terrain by moving opposing ends of the panel in opposing directions transverse to the longitudinal axis of the rails while the pickets remain substantially perpendicular to horizontal without the first and second rails rolling away from the inner and outer pickets.

13. (original) The fence panel as recited in claim 12, wherein the fasteners comprise flexible mild steel welds.

14. (original) The fence panel as recited in claim 13, wherein the angle at which the rails are disposed is between about 0 degrees and 60 degrees.

15. (original) The fence panel as recited in claim 14, wherein the fence panel is selectively racked during installation between about 0 and 20 degrees relative to the angle at which the rails are disposed when the rails and pickets are initially attached together.

16. (original) The fence panel as recited in claim 15, further comprising a pair of end posts attached to opposing ends of the rails, whereby adjacent fence panels connect to the end posts to define a longitudinal section of a fence.

17. (original) The fence panel as recited in claim 16, further comprising;
angle members, each having a first and a second leg, the first leg of each member attached to
a distal end of one of the rails and the second leg defining a pair of holes;
screws extending through the holes to secure the rails to a respective one of the fence posts.

18. (original) The fence panel as recited in claim 16, wherein the rails are four-wall tubular members.

19. (currently amended) A method of making a fence section for tracking a sloped grade during installation of a fence over a terrain, comprising the steps of:

(a) disposing a pair of rails [first rail] parallel and spaced-apart [from a second rail] at an angle to a horizontal plane to define a longitudinal length of a fence panel, the rails defining opposing first and second side edges;

(b) attaching a plurality of inner pickets to a respective one of the rails substantially perpendicular to the horizontal plane with fasteners such that the fasteners are between the inner pickets and the first side edge of the respective [first] rail [and the second side edge of the second rail];

(c) attaching a pair of opposing outer pickets at opposing ends of the respective rail [rails] substantially perpendicular to the horizontal plane by fasteners between the outer pickets and the second side edge of the respective [first] rail [and the first side edge of the second rail,] ; and

(d) repeating steps (b) and (c) for the other of the pair of rails,

whereby the fence section, being racked by moving opposing ends of the section in opposing directions transverse to the longitudinal axis of the rails, conforms a [the] slope of the rails substantially to a [the] slope of a [the] portion of the terrain by changing the angle between the inner and outer pickets and the rails while the inner and outer pickets remain substantially perpendicular to horizontal without the rails rolling away from the inner and outer pickets.